



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200400891

Issuance Date:

February 23, 2006

Stream: UN Trib to Mill Run (Section 10: Olentangy)

Closing Date:

March 25, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Gary Hough, Zaremba Group.
14600 Detroit Avenue
Cleveland, Ohio 44107

LOCATION: The proposed project is located east of downtown Delaware at the intersection of U.S. 36 and Glenn Road, Delaware County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place approximately 16,070 cubic yards into 9.961 acres of wetlands and 6,067 linear feet of stream in conjunction with the proposed construction of a 218-acre residential development. These impacts represent the preferred alternative. In addition, the minimal degradation alternative is depicted in the attached figures and tables.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the overall project purpose. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the overall project purpose.

MITIGATION PLAN: The applicant has submitted a conceptual compensatory mitigation plan (CMP) to compensate for permanent impacts to waters of the United States regulated by the United States Army Corps of Engineers; including avoidance and minimization measures, on-site preservation and use of a mitigation bank.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there no listed properties eligible for the register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana Bat
Bald Eagle
Clubshell Mussel
Rayed Bean Mussel

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project may affect, but is not likely to adversely affect the Indiana bat and will have no effect on the Bald eagle, Clubshell mussel, Rayed Bean mussel, or designated Critical Habitat for these Federally listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to


issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Mr. Stan Walker, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Stan Walker of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)

Location of Study Area on Highway Map

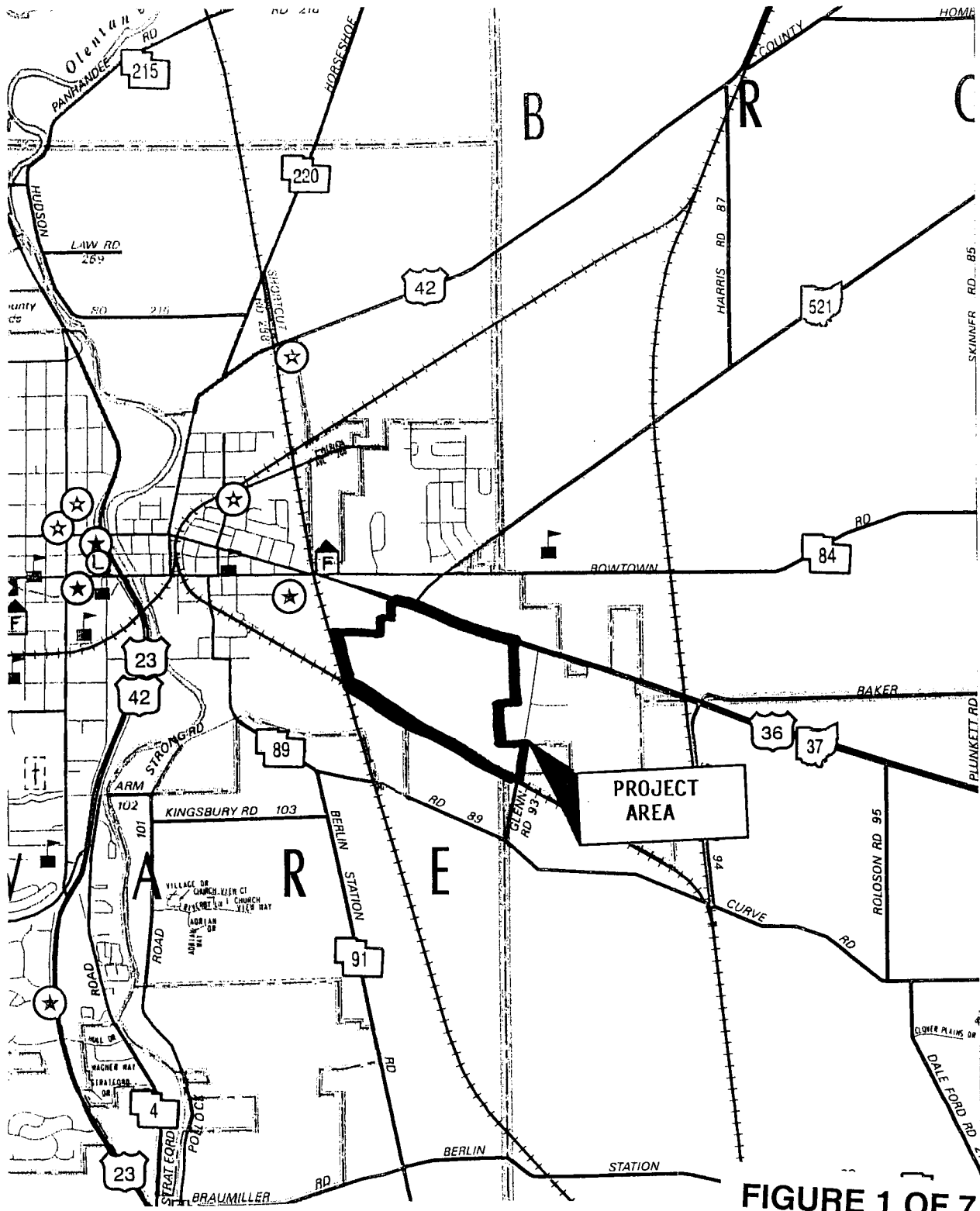


FIGURE 1 OF 7

**Location of Study Area on
USGS 7.5-Minute Topographic Map (Delaware Quadrangle)**



Site: 206 Acres, U.S. 36 and Glenn Road
Delaware, Ohio

Scale: 1" = 2,000'

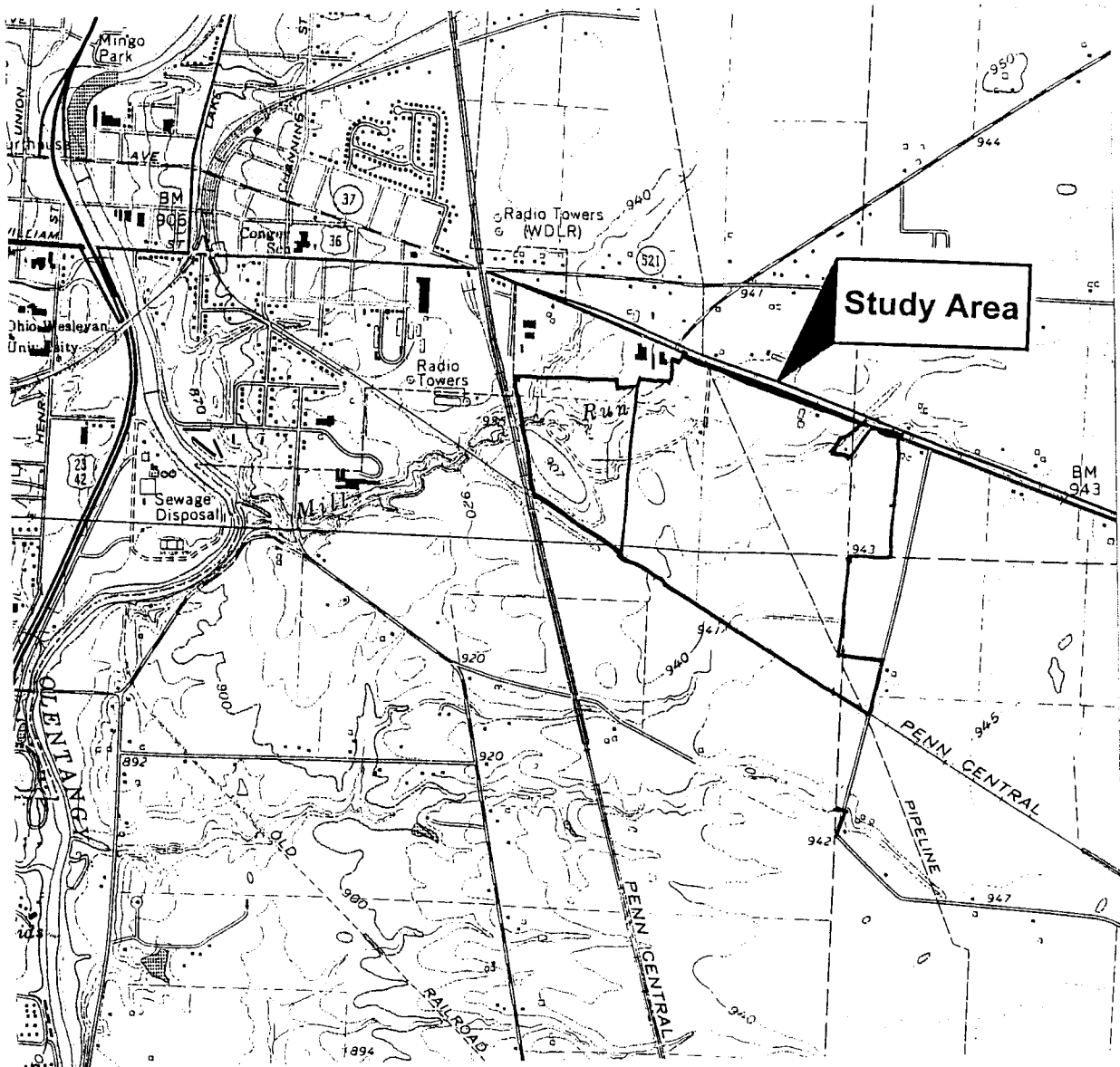


FIGURE 2 OF 7

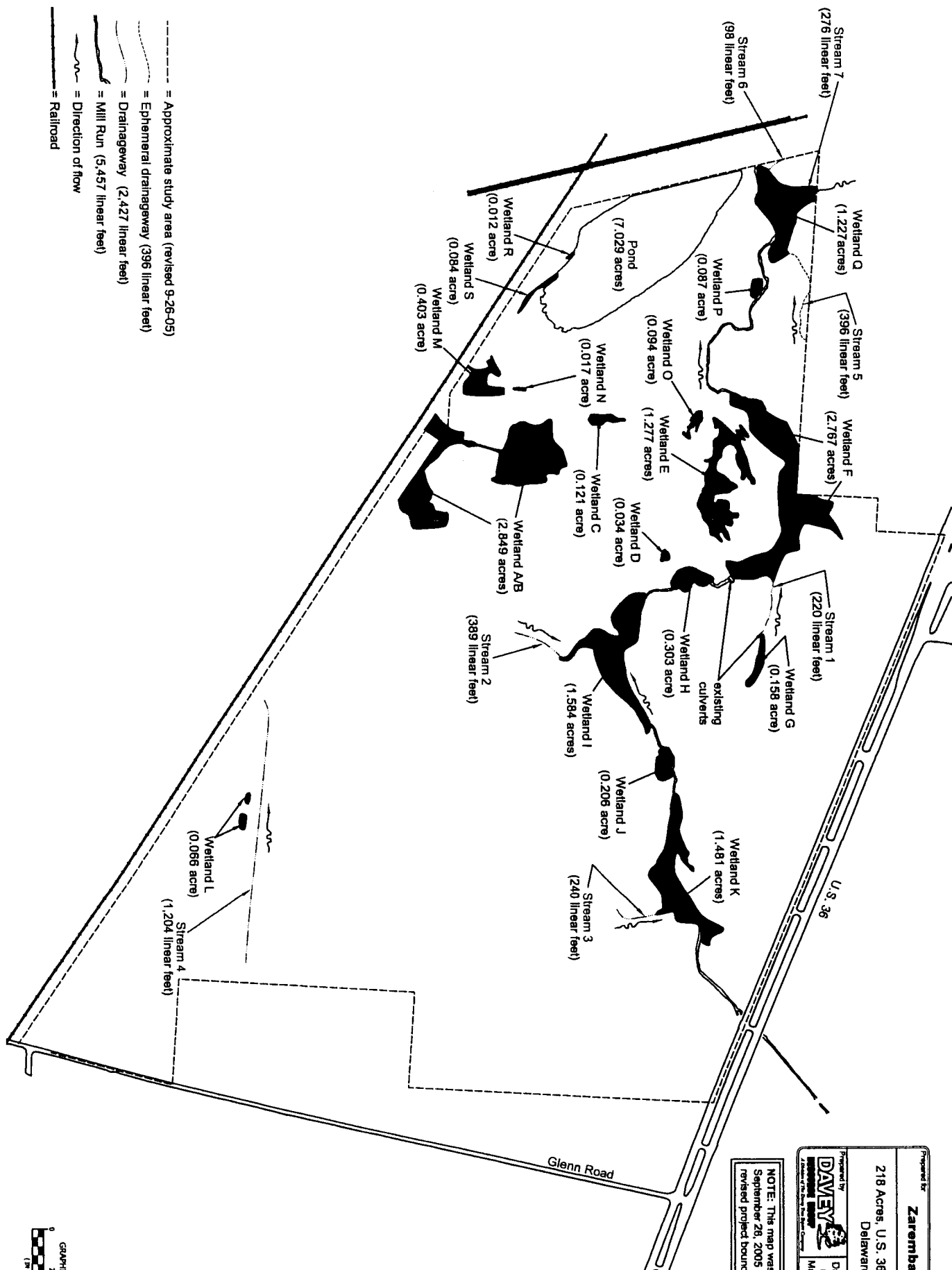


FIGURE 3 OF 7

Prepared by Zaremba Group	
218 Acres, U.S. 36 and Glenn Road Delaware, Ohio	
Prepared by DAVEY 10000 N. 10th St., Suite 100 Lincoln, NE 68504 May 26, and July 20, 2004	Data used to produce this map were collected on May 26, and July 20, 2004
NOTE: This map was revised on September 26, 2005 to depict the revised project boundary.	

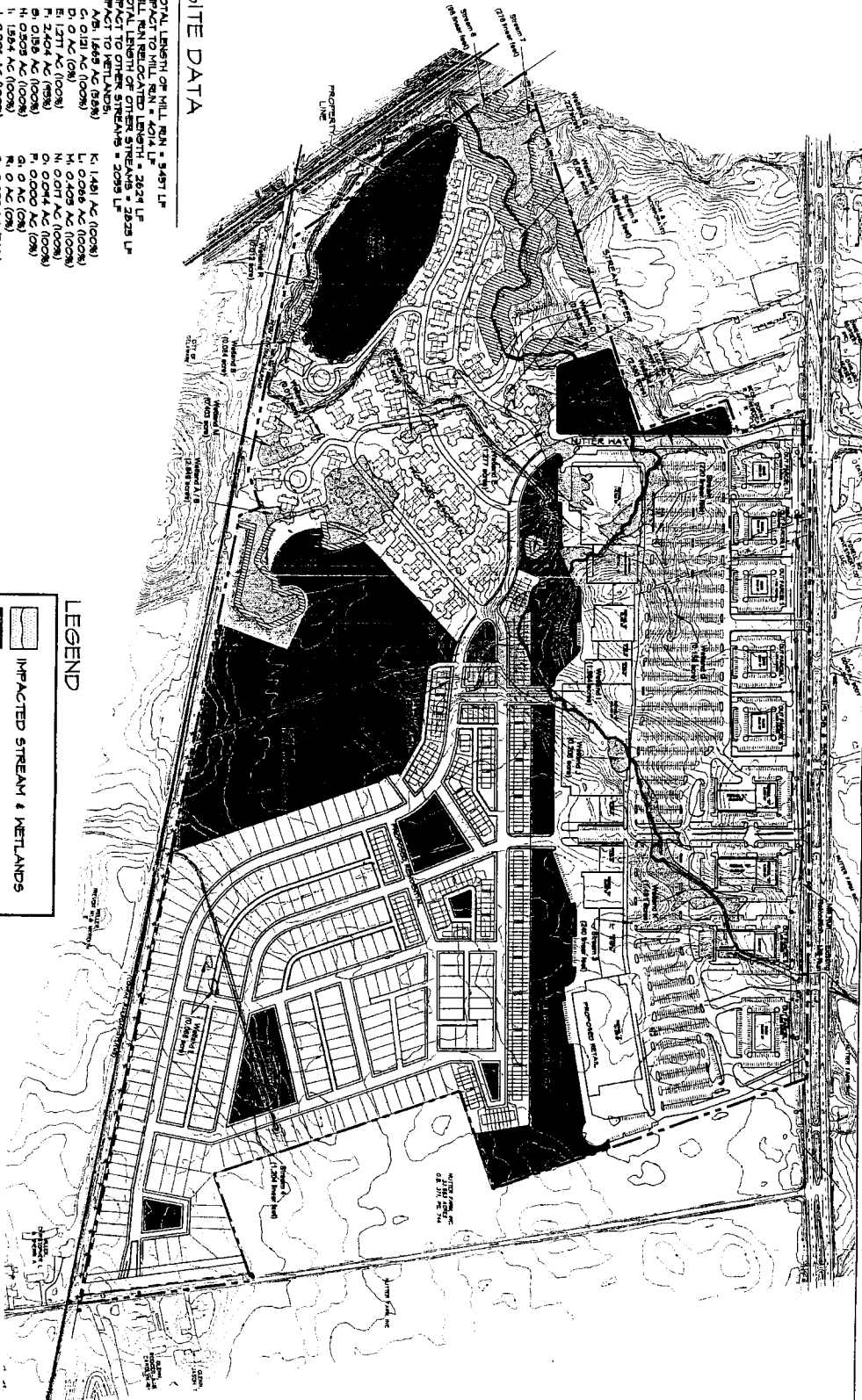


SITE DATA

TOTAL LENGTH OF MILL RUN = 9,451 LF
 IMPACT TO MILL RUN = 424 LF
 MILL RUN RELOCATED LENGTH = 2624 LF
 TOTAL LENGTH OF OTHER STREAMS = 2825 LF
 IMPACT TO OTHER STREAMS = 2095 LF
 IMPACT TO OPEN STREAMS = 2095 LF
 A. 1,644 AC (100%)
 B. 0 AC (0%)
 C. 0.121 AC (100%)
 D. 0 AC (0%)
 E. 1.271 AC (100%)
 F. 2.404 AC (100%)
 G. 0.156 AC (100%)
 H. 1.569 AC (100%)
 I. 0 AC (0%)
 J. 0.306 AC (100%)
 K. 1.481 AC (100%)
 L. 0.046 AC (100%)
 M. 0.405 AC (100%)
 N. 0.017 AC (100%)
 O. 0.044 AC (100%)
 P. 0.000 AC (0%)
 Q. 0 AC (0%)
 R. 0 AC (0%)
 S. 0.021 AC (100%)
 T. 0.021 AC (100%)
 TOTAL AREA OF STREAM & WETLAND CONSERVATION EASEMENT = 9,856 AC
 (EXCLUDING PRESERVATION AREAS)
 TOTAL OPEN SPACE AREA = 18,569 AC
 (EXCLUDING PRESERVATION AREAS)
 TOTAL RETAIL COMMERCIAL = 580,242 SF
 TOTAL MULTIFAMILY UNITS = 210
 TOTAL SINGLE FAMILY UNITS = 421
 TOTAL RESIDENTIAL UNITS = 631

LEGEND

	IMPACTED STREAM & WETLANDS
	NATURAL PRESERVATION AREAS
	OPEN SPACE
	CONSERVATION EASEMENT WETLANDS & 25-FOOT BUFFER
	CONSERVATION EASEMENT STREAMS & 100-FOOT TOTAL WIDTH BUFFER UNLESS NOTED



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
 8748 WOOD H. ROAD
 COLUMBUS, OH 43228
 (614) 440-8822 FAX (614) 440-8825
 Charleston, OH • Pittsburgh, PA • Indianapolis, IN • Nashville, TN

DWN BY: DKN

DATE: AUGUST 2005

PROJECT NUMBER

040-758

DELAWARE PUD

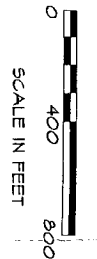
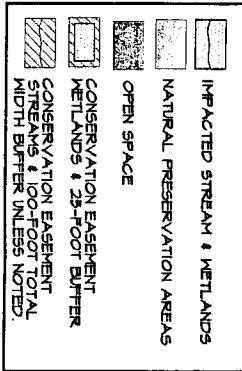
CITY OF DELAWARE, DELAWARE COUNTY, OHIO
 PREFERRED PLAN

SITE DATA

TOTAL LENGTH OF MILL RUN = 5,451 LF
 IMPACT TO MILL RUN = 2,444 LF
 MILL RUN RELOCATED LENGTH = 2,236 LF
 TOTAL LENGTH OF OTHER STREAMS = 28,23 LF
 IMPACT TO OTHER STREAMS = 109 LF
 IMPACT TO WETLANDS:
 A/B, 0.065 AC (2%)
 C, 0.121 AC (100%)
 D, 0.024 AC (100%)
 E, 1.271 AC (100%)
 F, 0.171 AC (30%)
 G, 0.155 AC (100%)
 H, 0 AC (0%)
 I, 0.165 AC (45%)
 J, 0.206 AC (100%)
 K, 1.491 AC (100%)
 L, 0 AC (0%)
 M, 0 AC (0%)
 N, 0 AC (0%)
 O, 0.094 AC (100%)
 P, 0 AC (0%)
 Q, 0 AC (0%)
 R, 0 AC (0%)
 S, 0 AC (0%)

CONSERVATION EASEMENT STREAMS, WETLANDS & BUFFERS = 23,552 AC
 NATURAL PRESERVATION AREAS = 20,446 AC
 OPEN SPACE = 22,565 AC
 TOTAL RETAIL/COMMERCIAL/INDUSTRIAL = 712,705 SF
 TOTAL SINGLE FAMILY RESIDENTIAL UNITS = 356
 TOTAL MULTI-FAMILY RESIDENTIAL = 124

LEGEND



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
 8748 GREEN PL., SUITE 100
 COLUMBUS, OH 43240
 (614) 845-5225 (TOLL-FREE) 800-525-5225
 Cincinnati, OH • Pittsburgh, PA • Indianapolis, IN • Nashville, TN

DWN BY: WBH

PROJECT NUMBER

DATE: DECEMBER 2005

040-758

DELAWARE RETAIL
 CITY OF DELAWARE, DELAWARE COUNTY, OHIO
 MINIMAL DEGRADATION ALTERNATIVE

FIGURE 5 OF 7

Prepared for Zaremba Group	
Map Sheet 2 11.5 Acres, U.S. 36 and Glenn Road Delaware, Ohio	
Prepared by DAVEY <small>Division of The Ohio State University</small>	Data used to produce this map were collected on May 26, and July 20, 2004 and August 26, 2005

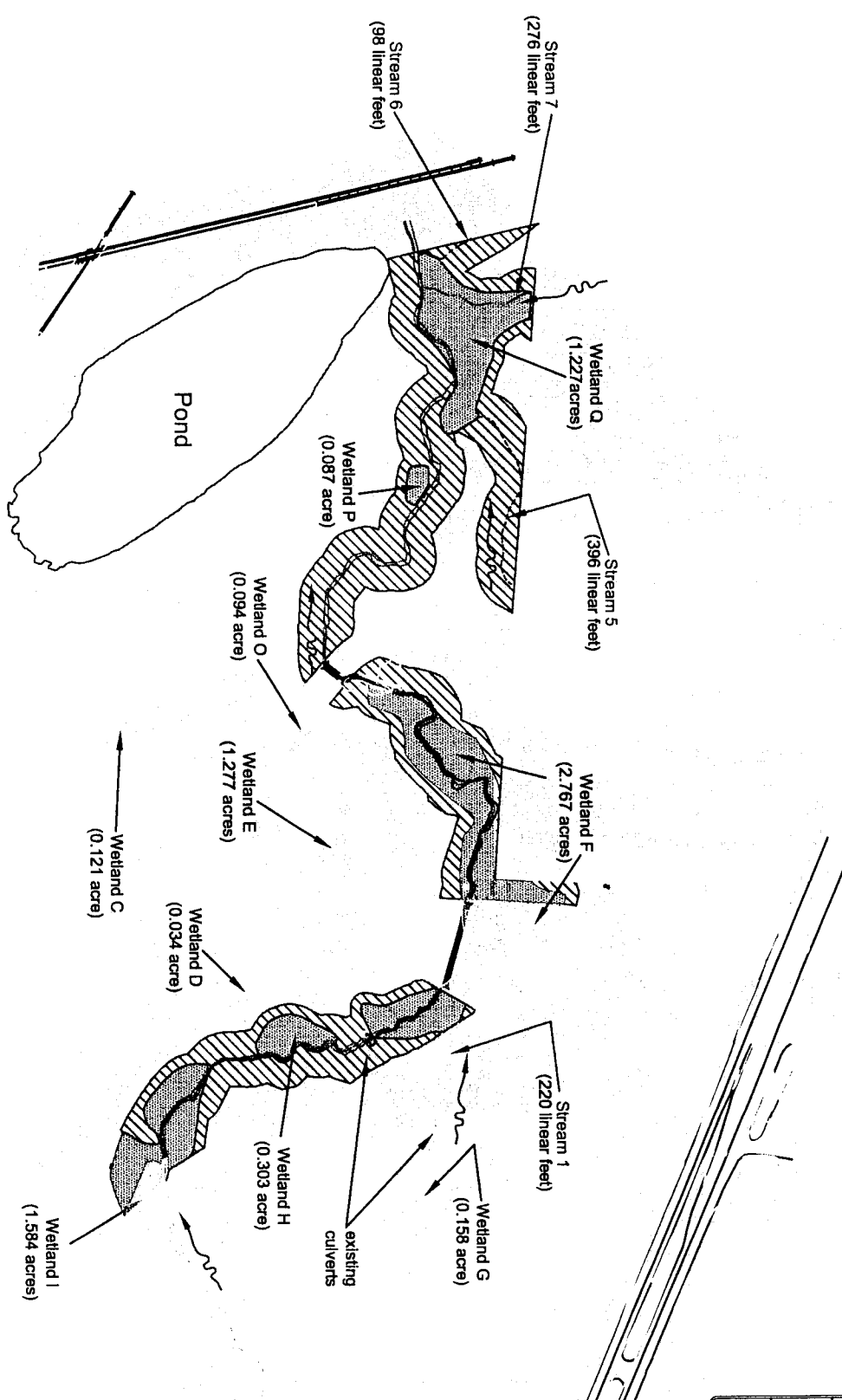


FIGURE 6 OF 7

Prepared by Zaramba Group	
Map Sheet 3 2.9 Acres, U.S. 36 and Glenn Road Delaware, Ohio	
Prepared by DAVEY <small>A Division of The Davey Tree Expert Company</small>	Data used to produce this map were collected on May 26, and July 20, 2004 and August 28, 2005

FIGURE 7 OF 7

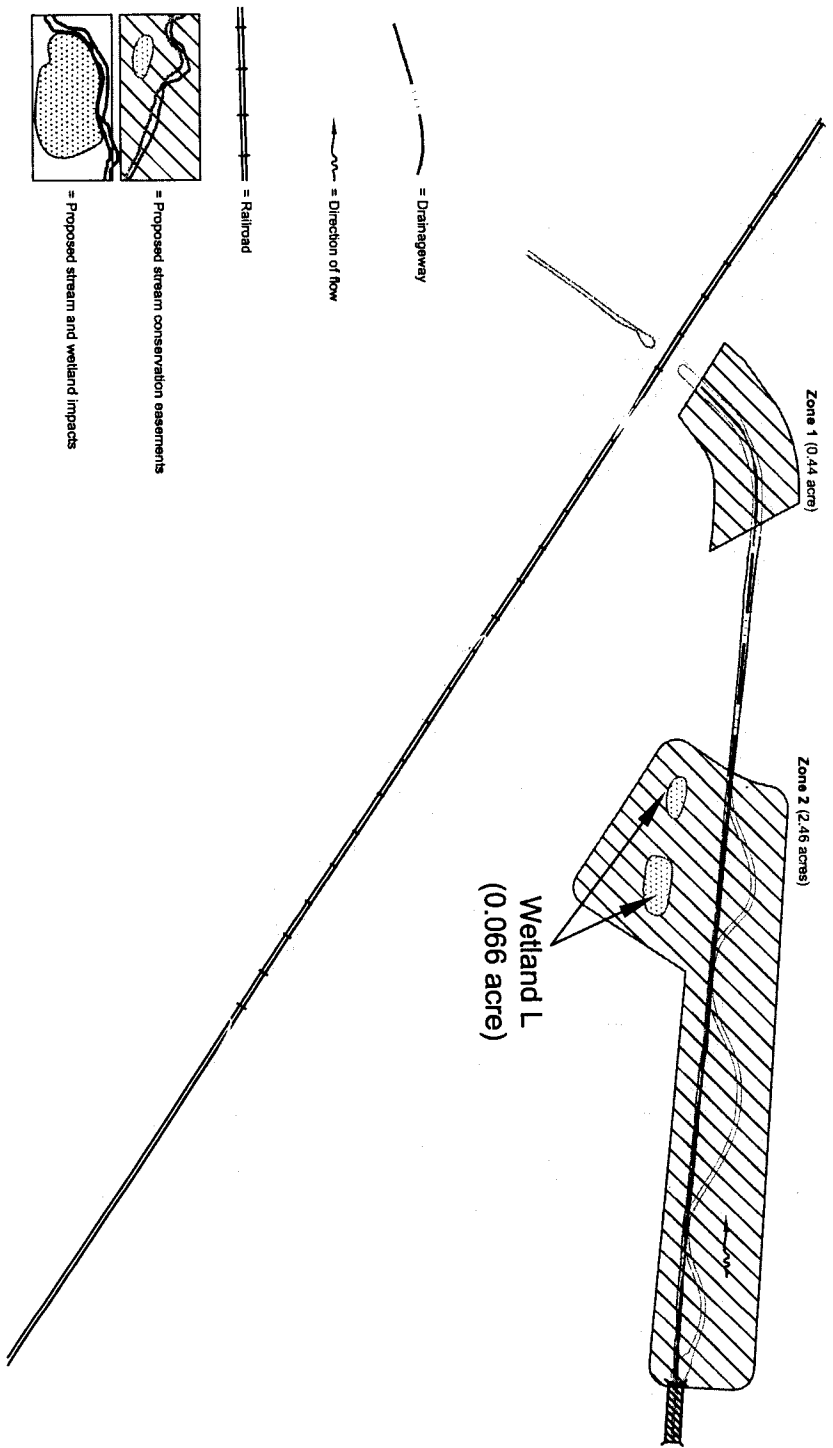


Table 1. Preferred Design Impacts

Waterbody	Total (acres or linear feet)	Impacts (acres or linear feet)	Quantity of Fill (cubic yards)	Impact Type	Impact Materials
Wetland A/B	2.849	1.633	2,635	Residential development	Clean earthen fill
Wetland C	0.121	0.121	195	Residential development	Clean earthen fill
Wetland D	0.034	0	Not applicable	Not applicable	Not applicable
Wetland E	1.277	1.277	2,060	Commercial building and residential development	Clean earthen fill
Wetland F	2.767	2.591	4,180	Commercial building, parking, and stormwater management	Clean earthen fill
Wetland G	0.158	0.158	255	Commercial building and parking	Clean earthen fill
Wetland H	0.303	0.303	489	Commercial building	Clean earthen fill
Wetland I	1.584	1.584	2,556	Commercial building and parking	Clean earthen fill
Wetland J	0.206	0.206	332	Commercial building and parking	Clean earthen fill
Wetland K	1.481	1.481	2,389	Commercial building and parking	Clean earthen fill
Wetland L	0.066	0.066	106	Residential development	Clean earthen fill
Wetland M	0.403	0.403	650	Residential development	Clean earthen fill
Wetland N	0.017	0.017	27	Residential development	Clean earthen fill
Wetland O	0.094	0.094	152	Residential development	Clean earthen fill
Wetland P	0.087	0	Not applicable	Not applicable	Not applicable
Wetland Q	1.227	0	Not applicable	Not applicable	Not applicable
Wetland R	0.012	0	Not applicable	Not applicable	Not applicable
Wetland S	0.084	0.027	44	Residential recreational facility	Clean earthen fill
Total Wetlands	12.770	9.961	16,070		
Stream 1	220	220	Not applicable	Commercial building and parking	Pipe/Culvert
Stream 2	389	389	Not applicable	Residential development	Pipe/Culvert
Stream 3	240	240	Not applicable	Commercial building and parking	Pipe/Culvert
Stream 4	1,204	1204	Not applicable	Residential development	Pipe/Culvert
Stream 5	396	0	Not applicable	Not applicable	Not applicable
Stream 6	98	0	Not applicable	Not applicable	Not applicable
Stream 7	276	0	Not applicable	Not applicable	Not applicable
Mill Run	5,457	4,014	Not applicable	Commercial building, parking, stormwater management, and road crossing	Pipe, Culvert, Open Channel
Total Streams	8,280	6,067			

Table 2. Minimal Degradation Alternative Impacts

Waterbody	Total (acres or linear feet)	Impacts (acres or linear feet)	Quantity of Fill (cubic yards)	Impact Type	Impact Materials
Wetland A/B	2.849	0.065	105	Commercial access road	Clean earthen fill
Wetland C	0.121	0.121	195	Commercial access road	Clean earthen fill
Wetland D	0.034	0.034	55	Not applicable	Clean earthen fill
Wetland E	1.277	1.277	2,058	Commercial building, parking	Clean earthen fill
Wetland F	2.767	0.777	1,252	Road crossing	Clean earthen fill and culvert
Wetland G	0.158	0.158	255	Commercial building, parking	Clean earthen fill
Wetland H	0.303	0	Not applicable	Not applicable	Not applicable
Wetland I	1.584	0.763	1,230	Commercial building, road crossing	Clean earthen fill and culvert
Wetland J	0.206	0.206	332	Commercial building	Clean earthen fill
Wetland K	1.481	1.481	2,387	Commercial building, parking	Clean earthen fill
Wetland L	0.066	0	Not applicable	Not applicable	Not applicable
Wetland M	0.403	0	Not applicable	Not applicable	Not applicable
Wetland N	0.017	0	Not applicable	Not applicable	Not applicable
Wetland O	0.094	0.094	152	Commercial building, parking	Clean earthen fill
Wetland P	0.087	0	Not applicable	Not applicable	Not applicable
Wetland Q	1.227	0	Not applicable	Not applicable	Not applicable
Wetland R	0.012	0	Not applicable	Not applicable	Not applicable
Wetland S	0.084	0	Not applicable	Not applicable	Not applicable
Total Wetlands	12.770	4.976	8,020		
Stream 1	220	220	Not applicable	Commercial building, parking	Clean earthen fill
Stream 2	389	40	Not applicable	Road Crossing	Culvert
Stream 3	240	240	Not applicable	Commercial building, parking	Clean earthen fill
Stream 4	1,204	285	Not applicable	Residential development	Culvert
Stream 5	396	0	Not applicable	Not applicable	Not applicable
Stream 6	98	0	Not applicable	Not applicable	Not applicable
Stream 7	276	0	Not applicable	Not applicable	Not applicable
Mill Run	5,457	2,449	Not applicable	Commercial building, parking, stormwater management, and road crossing	Culvert
Total Streams	8,280	3,234			

Table 3. Summary Table of Wetlands Acreage, Category Assignment, and Impacts for the Preferred Design and Minimal Degradation Alternative

Wetland	Type of Wetland	Isolated/ Non-isolated Status	ORAM Score ¹	Category	Total Wetlands (acres)	Preferred Design Impacts		Minimal Degradation Impacts	
						Acres	% Avoided	Acres	% Avoided
A/B	Marsh, wet meadow	Isolated	36.5	Modified 2	2.849	1.633	43%	0.065	98%
C	Wet meadow	Isolated	32	2	0.121	0.121	0%	0.121	0%
D	Wet meadow	Isolated	38	Modified 2	0.034	0	100%	0.034	0%
E	Wet meadow	Non-isolated	39.5	Modified 2	1.277	1.277	0%	1.277	0%
F	Lowland woods	Non-isolated	57.5	2	2.767	2.591	6%	0.777	70%
G	Wet meadow	Non-isolated	24.5	1	0.158	0.158	0%	0.158	0%
H	Lowland woods	Non-isolated	51	2	0.303	0.303	0%	0	100%
I	Lowland woods, wet meadow	Non-isolated	53.5	2	1.584	1.584	0%	0.763	51%
J	Lowland woods	Non-isolated	51.5	2	0.206	0.206	0%	0.206	0%
K	Lowland woods, wet meadow	Non-isolated	51.5	2	1.481	1.481	0%	1.481	0%
L	Wet meadow	Isolated	13	1	0.066	0.066	0%	0	100%
M	Lowland woods, wet meadow	Isolated	40.5	Modified 2	0.403	0.403	0%	0	100%
N	Wet meadow	Isolated	26	1	0.017	0.017	0%	0	100%
O	Wet meadow	Non-isolated	24.5	1	0.094	0.094	0%	0.094	0%
P	Lowland woods	Non-isolated	41	Modified 2	0.087	0	100%	0	100%
Q	Lowland woods, marsh, wet meadow	Non-isolated	56.5	2	1.227	0	100%	0	100%
R	Wet meadow	Non-isolated	44.5	Modified 2	0.012	0	100%	0	100%
S	Lowland woods	Non-isolated	44.5	Modified 2	0.084	0.027	68%	0	100%
Totals					12.770	9.961	22%	4.976	60%

¹Based on Version 5 of the Ohio EPA Ohio Rapid Assessment Method for Wetlands (ORAM v.5).

**Table 4. Summary Table of Streams, Class Assignment, and Impacts
for the Preferred Design and Minimal Degradation Alternative**

Stream	Type of Stream	HHEI/ QHEI Score¹	HHEI/QHEI Stream Class	Total Length (linear feet)	Preferred Design Impacts		Minimal Degradation Impacts	
					Linear Feet	% Avoided	Linear Feet	% Avoided
1	Intermittent	51	Modified II	220	220	0%	220	0%
2	Intermittent	39	Modified II	389	389	0%	40	90%
3	Intermittent	45	II	240	240	0%	240	0%
4	Intermittent	52	II	1,204	1204	0%	285	76%
5	Ephemeral	29	I	396	0	100%	0	100%
6	Intermittent	61	II	98	0	100%	0	100%
7	Permanent	70	III	276	0	100%	0	100%
Mill Run	Permanent	69.5	Warmwater habitat	5,457	4,014	26%	2,449	55%
Totals				8,280	6,067	27%	3,234	61%

¹Based on the Ohio EPA *Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams* and *The Qualitative Habitat Evaluation Index (QHEI): Rationale, Methods, and Application*.

Table 5. Summary Table of Wetlands Mitigation Requirements

Wetland	Wetland Type	ORAM Category	Mitigation Ratio (off-site)	Preferred Design		Minimal Degradation Alternative	
				Impact Acreage	Minimum Required Mitigation	Impact Acreage	Minimum Required Mitigation
A/B	Wet meadow	Modified 2	2	1.633	3.266	0.065	0.130
	Marsh		2	0	0	0	0
C	Wet meadow	2	2	0.121	0.242	0.121	0.242
D	Wet meadow	Modified 2	2	0	0	0.034	0.068
E	Wet meadow	Modified 2	2	1.277	2.554	1.277	2.554
F	Lowland woods	2	2.5	2.591	6.478	0.777	1.943
G	Wet meadow	1	1.5	0.158	0.237	0.158	0.237
H	Lowland woods	2	2.5	0.303	0.758	0	0
I	Lowland woods	2	2.5	1.430	3.575	0.686	1.715
	Wet meadow		2	0.154	0.308	0.077	0.154
J	Lowland woods	2	2.5	0.206	0.515	0.206	0.515
K	Lowland woods	2	2.5	0.501	1.253	0.501	1.253
	Wet meadow		2	0.980	1.960	0.98	1.960
L	Wet meadow	1	1.5	0.066	0.099	0	0
M	Wet meadow	Modified 2	2	0.212	0.424	0	0
	Lowland woods		2.5	0.191	0.478	0	0
N	Wet meadow	1	1.5	0.017	0.026	0	0
O	Wet meadow	1	1.5	0.094	0.141	0.094	0.141
P	Lowland woods	Modified 2	2.5	0	0	0	0
Q	Lowland woods	2	2.5	0	0	0	0
	Wet meadow		2	0	0	0	0
	Marsh		2	0	0	0	0
R	Wet meadow		2	0	0	0	0
S	Lowland woods	Modified 2	2.5	0.027	0.068	0	0
Total				9.961	22.379	4.976	10.911